

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 LORRIE M. YOST  
Deputy Attorney General  
4 State Bar No. 119088  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-2271  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation and Petition to  
13 Revoke Probation Against:

14 **KATHRYN A. WILSON,**  
15 **a.k.a. KATHRYN ANN WILSON**  
16 **1111 Turnberry Drive**  
17 **Sparks, NV 89436**

18 **Registered Nurse License No. 440089**

19 **Respondent.**

Case No. *2010-486*

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
23 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
24 Department of Consumer Affairs.

25 2. On or about April 30, 1989, the Board issued Registered Nurse License Number  
26 440089 (hereinafter "license") to Kathryn A. Wilson, also known as Kathryn Ann Wilson  
27 ("Respondent"). On November 25, 1994, Respondent's license was revoked; however, the  
28 revocation was stayed and Respondent was placed on probation for three (3) years on terms and  
conditions, as set forth in paragraph 14 below. On January 16, 1997, Respondent's license was  
revoked. In or about 2001, Respondent's license was reinstated and Respondent was placed

1 on probation for a period of three (3) years on terms and conditions, however, probation was  
2 tolled due to Respondent's residence outside the State of California and the probationary period  
3 never began. Respondent's license will expire on July 31, 2010, unless renewed.

#### 4 STATUTORY PROVISIONS

5 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
6 the Board may discipline any licensee, including a licensee holding a temporary or an inactive  
7 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
8 Practice Act.

9 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
10 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
11 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
12 (b), the Board may renew an expired license at any time within eight years after the expiration.

13 5. Code section 2761 states, in pertinent part:

14 The board may take disciplinary action against a certified or licensed  
15 nurse or deny an application for a certificate or license for any of the following:

16 (a) Unprofessional conduct . . .

17 . . . .

18 (4) Denial of licensure, revocation, suspension, restriction, or any other  
19 disciplinary action against a health care professional license or certificate by another  
20 state or territory of the United States, by any other government agency, or by another  
21 California health care professional licensing board. A certified copy of the decision  
22 or judgment shall be conclusive evidence of that action

23 . . . .

24 (f) Conviction of a felony or of any offense substantially related to the  
25 qualifications, functions, and duties of a registered nurse, in which event the record of  
26 the conviction shall be conclusive evidence thereof . . .

27 6. Code section 2762 states, in pertinent part:

28 In addition to other acts constituting unprofessional conduct within the  
meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a  
person licensed under this chapter to do any of the following:

. . . .

(b) Use any controlled substance as defined in Division 10 (commencing

1 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
2 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or  
3 in a manner dangerous or injurious to himself or herself, any other person, or the  
4 public or to the extent that such use impairs his or her ability to conduct with safety to  
5 the public the practice authorized by his or her license.

6 (c) Be convicted of a criminal offense involving the prescription,  
7 consumption, or self administration of any of the substances described in subdivisions  
8 (a) and (b) of this section, or the possession of, or falsification of a record pertaining  
9 to, the substances described in subdivision (a) of this section, in which event the  
10 record of the conviction is conclusive evidence thereof . . .

11 7. Code section 2765 states:

12 A plea or verdict of guilty or a conviction following a plea of nolo  
13 contendere made to a charge substantially related to the qualifications, functions and  
14 duties of a registered nurse is deemed to be a conviction within the meaning of this  
15 article. The board may order the license or certificate suspended or revoked, or may  
16 decline to issue a license or certificate, when the time for appeal has elapsed, or the  
17 judgment of conviction has been affirmed on appeal or when an order granting  
18 probation is made suspending the imposition of sentence, irrespective of a subsequent  
19 order under the provisions of Section 1203.4 of the Penal Code allowing such person  
20 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside  
21 the verdict of guilty, or dismissing the accusation, information or indictment.

22 8. Code section 490, subdivision (a), states:

23 In addition to any other action that a board is permitted to take against a  
24 licensee, a board may suspend or revoke a license on the ground that the licensee has  
25 been convicted of a crime, if the crime is substantially related to the qualifications,  
26 functions, or duties of the business or profession for which the license was issued.

## 27 COST RECOVERY

28 9. Code section 125.3 provides, in pertinent part, that the Board may request the  
administrative law judge to direct a licensee found to have committed a violation or violations of  
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
enforcement of the case.

## ACCUSATION

### FIRST CAUSE FOR DISCIPLINE

#### (Criminal Convictions)

10 Respondent is subject to disciplinary action pursuant to Code sections 2761,  
11 subdivision (f), and 490, subdivision (a), in that Respondent was convicted of crimes which are  
12 substantially related to the qualifications, functions, and duties of a registered nurse, as follows:

1 a. On or about May 22, 2006, Respondent was convicted of violating NRS 484.379  
2 (driving under the influence of alcohol) in Sparks Municipal Court, Nevada, Case No.  
3 05C016154. The incident on which the conviction is based occurred on or about November 27,  
4 2005.

5 b. On or about July 21, 2008, in the criminal proceeding titled *People v. Kathryn Ann*  
6 *Wilson* (Super. Ct. Butte County, 2008, Case No. SCR65694), Respondent pled no contest to  
7 violating Vehicle Code section 23152, subdivision (b) (driving while having a 0.08% or higher  
8 blood alcohol, with prior conviction(s), a misdemeanor). The circumstances of the crime are as  
9 follows: On or about March 21, 2008, Respondent was involved in a traffic collision.  
10 Respondent admitted to a California Highway Patrol officer on the scene that she had drank "a  
11 couple of beers" in Quincy. Respondent failed the field sobriety tests and breath test for alcohol,  
12 testing positive for a blood alcohol level of 0.26 to 0.27%.

### 13 SECOND CAUSE FOR DISCIPLINE

#### 14 (Use of Alcoholic Beverages to an Extent or in a Manner 15 Dangerous or Injurious to Oneself and Others)

16 11. Respondent is subject to disciplinary action pursuant to Code section 2761,  
17 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,  
18 subdivision (b), in that Respondent used alcoholic beverages to an extent or in a manner  
19 dangerous or injurious to herself and others, as set forth in paragraph 10 above.

### 20 THIRD CAUSE FOR DISCIPLINE

#### 21 (Convictions of Crimes Involving the Consumption of Alcoholic Beverages)

22 12. Respondent is subject to disciplinary action pursuant to Code section 2761,  
23 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,  
24 subdivision (c), in that on or about May 22, 2006, and July 21, 2008, Respondent was convicted  
25 of criminal offenses involving the consumption of alcoholic beverages, as set forth in paragraph  
26 10 above.

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**FOURTH CAUSE FOR DISCIPLINE**

**(Disciplinary Actions by the Nevada State Board of Nursing)**

13. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined by the Nevada State Board of Nursing (hereinafter "Nevada Board"), as follows:

a. On or about September 17, 2007, the Nevada Board denied Respondent's renewal application based on Respondent's violations of NRS 632.320 (2) (criminal convictions) and NRS 632.320 (5) (controlled substances and/or alcohol). A true and correct copy of the Nevada Board's letter to Respondent is attached hereto as Exhibit A and incorporated herein by reference.

b. On or about September 17, 1999, pursuant to the Agreement for Probation (Disciplinary) Case No. 33.90, the Nevada Board, reinstated Respondent's R.N. License No. 17065, then revoked the license, stayed the order of revocation and placed the license on probation for five (5) years. The Nevada Board cited as a cause for discipline two prior cases (set forth in subparagraphs (i) and (ii) below) wherein respondent's license had been revoked. A true and correct copy of the Agreement for Probation is attached hereto as Exhibit B and incorporated herein by reference.

i. On March 16, 1994, the Nevada Board revoked Respondent's R.N. License No. 17065. The Board found that Respondent had violated the terms and conditions of her Consent Decree (set forth in subparagraph (A) below) by testing positive for alcohol on two (2) separate occasions (November 22, 1993, and November 29, 1993), and that this conduct violated NRS 632.320(5) and (7) and NAC 632.927(2). A true and correct copy of the Findings of Fact, Conclusions of Law, and Order is attached hereto as Exhibit C and incorporated herein by reference.

A. On or about March 3, 1993, pursuant to Consent Decree, Case No 33-90, the Nevada Board reinstated Respondent's R.N. License No. 17065, then revoked the license, stayed the order of revocation and placed the license on probation for five (5) years. A true and correct copy of the Consent Decree is attached hereto as Exhibit D and incorporated herein by reference.

1           ii. On or about December 2, 1991, pursuant to a Consent Order in Case No 33-90  
2 entered into between Respondent and the Nevada Board, the Nevada Board revoked Respondent's  
3 L.P.N. License No. 6728 and R.N. License No. 17065. Respondent admitted that she failed to  
4 comply with the terms of the contract for voluntary surrender she had entered into on October 1,  
5 1990, (set forth in subparagraph (A) below) below, by practicing nursing in California from  
6 November 1990 through August 1991, and October 1991 to December 1991, by testing positive  
7 for cocaine on September 3, 1991, by failing to submit urine samples as requested on October 29,  
8 1990, and July 1, 1991, and by failing to attend all of her nurse support group meetings. A true  
9 and correct copy of the Consent Order is attached hereto as Exhibit E and incorporated herein by  
10 reference.

11           A. On or about October 1, 1990, in the disciplinary proceeding titled *In the*  
12 *Matter of Kathryn Ann Wilson, etc.*, Case No. 33-90, Respondent entered into an agreement with  
13 the Nevada Board whereby she surrendered her Licensed Practical Nurse (L.P.N.) License No.  
14 6728 and Registered Professional Nurse (R.N.) License No. 17065. Pursuant to the agreement,  
15 Respondent admitted that she was habitually intemperate and practiced nursing while impaired by  
16 alcohol. Respondent agreed to comply with certain terms and conditions until deemed fit by the  
17 Nevada Board to be issued a conditional license. A true and correct copy of the Voluntary  
18 Surrender of License in Lieu of Disciplinary Action is attached hereto as Exhibit F and  
19 incorporated herein by reference.

20                           **MATTERS IN AGGRAVATION: PRIOR DISCIPLINE**

21           14. To determine the degree of discipline to be assessed against Respondent, if any,  
22 Complainant alleges as follows:

23           a. On September 26, 2001, pursuant to the Decision in the disciplinary proceeding titled  
24 *In the Matter of the Petition for Reinstatement of: Kathryn Ann Wilson*, OAH No. N2001060387,  
25 the Board granted Respondent's petition for reinstatement, ordering that upon successful  
26 completion of all licensing requirements, Respondent's license be reinstated, then revoked, the  
27 order of revocation stayed, and Respondent placed on probation for a period of three (3) years on  
28

1 terms and conditions, and that periods of residency and practice as a registered nurse outside the  
2 State of California shall not apply to the reduction of the probationary term.

3 b. On January 16, 1997, pursuant to the Default Decision and Order in the disciplinary  
4 proceeding titled *In the Matter of the Petition and First Amended Petition to Revoke Probation*  
5 *Against: Kathryn A. Wilson*, Case No. 96-7, the Board revoked Respondent's license effective  
6 January 16, 1997, due to Respondent's failure to comply with certain conditions of the probation  
7 order referenced in subparagraph (a) above, including Conditions 2 (failure to comply with the  
8 probation program), 3 (failure to appear for quarterly meetings with the Board's representative), 5  
9 (failure to submit reports to the Board), 13 (failure to completely abstain from the consumption of  
10 alcoholic beverages), and 14 (failure to submit to urine screenings).

11 c. On October 25, 1994, pursuant to the Proposed Decision of the Administrative Law  
12 Judge ("ALJ") adopted by the Board as its Decision in the disciplinary proceeding titled *In the*  
13 *Matter of the First Amended Accusation Against: Kathryn Ann Wilson*, Case No. 94-41, the Board  
14 revoked Respondent's license effective November 25, 1994. The revocation was stayed and  
15 Respondent was placed on probation for three (3) years on terms and conditions. The ALJ found  
16 that causes for discipline were established for Respondent's violations of Code sections 2761,  
17 subdivision (k) (discipline by the Nevada State Board of Nursing), and 2761, subdivision (a)  
18 (unprofessional conduct), in conjunction with sections 2762, subdivision (a) (obtain, possess, and  
19 self-administer a controlled substance), and 2762, subdivision (b) (using alcohol in a manner  
20 dangerous to oneself and others).

21 **PETITION FOR REVOCATION OF PROBATION**

22 **CAUSE TO REVOKE PROBATION**

23 **(Failure To Notify Board Of Change In License Status)**

24 15. At all times after the effective date of the Decision in the matter referenced in  
25 Paragraph 14 (a) above, and notwithstanding the tolling of the probation, Respondent was  
26 ordered to obey Probation Condition 4 which provided in pertinent part: "Respondent must  
27 provide written notice within 15 days of any change in residency or practice outside the state."

28 ///

1 16. Respondent's probation is subject to revocation because of her failure to comply with  
2 Probation Condition 4 in that she did not notify the Board of the decision by the Nevada Board on  
3 September 17, 2007 (see Paragraph 13(a), above) to deny her application for license renewal and  
4 call for her to immediately cease and desist from practicing as a registered nurse.

5 PRAYER

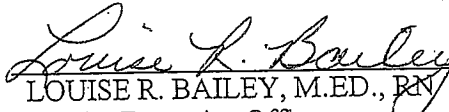
6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
7 and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 440089, issued to  
9 Kathryn A. Wilson, also known as Kathryn Ann Wilson;

10 2. Ordering Kathryn A. Wilson, also known as Kathryn Ann Wilson, to pay the Board  
11 of Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
12 pursuant to Business and Professions Code section 125.3;

13 3. Taking such other and further action as deemed necessary and proper.

14  
15 DATED: 3/30/10

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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SA2009102541



BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for  
Reinstatement of:

KATHRYN ANN WILSON,

OAH No. N2001060387

Petitioner.

**DECISION**

On June 28, 2001, a quorum of the Board of Registered Nursing heard this matter in Sacramento, California. Administrative Law Judge Ann E. Sarli, Office of Administrative Hearings, State of California, presided.

Maureen McKennan Strumpfer, Deputy Attorney General, represented the Attorney General of California.

Kathryn Ann Wilson represented herself.

The matter was submitted on June 28, 2001.

**FACTUAL FINDINGS**

1. On April 30, 1989, the Board of Registered Nursing (hereinafter "Board") issued registered nurse license number T 440089 to Kathryn Ann Wilson (hereinafter "petitioner"). On November 15, 1993, the Board filed an Accusation against petitioner alleging that the Nevada State Board of Nursing had revoked her license. The Nevada revocation was based upon petitioner's use of alcohol while on duty as a nurse, her use of a controlled substance, and her violation of probationary terms by her continued use of controlled substances.

2. On October 25, 1994, the California Board adopted a proposed decision by an Administrative Law Judge in case number 94-41. Petitioner's license was revoked, based upon the Nevada revocation and the behavior that led to that revocation. The license

revocation was stayed and petitioner was placed on three years probation, subject to terms and conditions.

3. On or about July 11, 1996, the Board revoked petitioner's probation by a default decision and order. Petitioner had failed to comply with terms and conditions of probation, including failing to appear in person for interviews and failing to submit completed reports verifying employment, work performance, support group attendance and physical and mental health evaluations. Petitioner had also consumed alcoholic beverages and failed to submit to urine screening, in violation of probationary terms and conditions.

4. Petitioner's Nevada license was reinstated on a restricted, probationary basis in August of 1999. On May 2, 2001, the Nevada State Board of Nursing Administration and Discipline confirmed in writing that petitioner consistently maintained the stipulations of her disciplinary monitoring agreement.

5. Petitioner seeks reinstatement of her license due to the fact that the Medicare, Medicaid and all Federal health care programs exclude participation in their programs when a health care provider's license is revoked in any state.

6. Petitioner completed a comprehensive alcohol treatment program and one year of aftercare. She attends a weekly nurse support group and two to four weekly Alcoholics Anonymous meetings. Petitioner has completed over 90 hours of continuing education classes during the past two years.

7. Petitioner worked from April 2000 through May of 2001 at Saint Mary's Regional Medical Center in Reno, Nevada, in the Cardiac Rehabilitation and Education Unit. She is on a 30-day leave of absence while she attempts to comply with the requirements of the Federally-funded health care programs. If her California license is not reinstated, she plans to continue working at Saint Mary's as a monitor technician. Her supervisor at Saint Mary's, Cindy Mullins, RN, wrote that petitioner had perfect attendance and has worked efficiently and responsibly. Ms. Mullins is looking forward to petitioner's return to work after she clears up the federal funding issue. Ms. Mullins wrote, "...we need her desperately with her reliability and good skills."

8. Petitioner's supervisor at her Nurse Support Group and Aftercare Group wrote that petitioner had not initially been committed to her recovery effort. However, when she returned to the group in January of 1998, petitioner displayed a commitment to her recovery and her prognosis is good for continued recovery.

9. Petitioner's sponsor wrote that in the early 1990's, she had difficulties in attempting sobriety. However, since at least 1997, she has been "squarely grounded in her recovery" and is an asset to nursing. Seven of petitioner's fellow members of her weekly Nurse Support Group wrote to support her in her request for reinstatement. They regard her as a dedicated nurse committed to maintaining her sobriety.

10. Paul S. Hickman, Judge of the Reno Municipal Court, wrote that he has known petitioner for approximately three years. He wrote that she has turned her life around during these three years. He "believe(s) that she will remain committed to her present way of life and will succeed in whatever she chooses to do."

11. Petitioner submitted documentation of negative drug screens and regular attendance at AA and support groups. Petitioner testified convincingly that she has changed her life and has been sober since November 23, 1997.

### LEGAL CONCLUSIONS

1. The Board has the authority to impose a disciplinary probation upon any licensee, where factual and legal cause for disciplinary action has been proved. Business and Professions Code section 2759.

2. Under Business and Professions Code section 2760 et seq., the Board has the authority to reinstate a license and restrict or limit that license for such a period of time as the Board deems necessary to safeguard the public.

3. Petitioner has established that she is well on the road to recovery. Under these circumstances, it is appropriate to reinstate petitioner's license and to impose restrictions and limitations upon her practice.

4. As set forth in Factual Findings 5 through 11, inclusive, cause was established pursuant to Business and Professions Code section 2760 and Government Code section 11522 to reinstate petitioner's license and impose a probationary term with terms and conditions.

### ORDER

The Petition of Kathryn Ann Wilson for reinstatement is Granted. Upon successful completion of all licensing requirements, Registered Nurse license number T 440089, issued to Kathryn Ann Wilson, shall be reinstated; said reinstated license shall immediately be revoked, the order of revocation stayed and petitioner (hereafter "respondent") placed on probation for a period of three (3) years on the following terms and conditions:<sup>1</sup>

**SEVERABILITY CLAUSE** - Each term and condition of probation contained herein is a separate and distinct term and condition. If any term and condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each term

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<sup>1</sup> The paragraphs below are numbered to correspond with the numbering the Board uses in designating its terms and conditions of probation.

and condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

(1) **OBEY ALL LAWS** - Respondent shall obey all federal, state and local laws. Respondent shall report a full and detailed account of any and all violations of law to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit completed fingerprint cards and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process. Respondent shall submit a recent 2" x 2" photograph of herself within 45 days of the effective date of the final decision.

(2) **COMPLY WITH PROBATION PROGRAM** - Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of respondent's compliance with the Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

(3) **REPORT IN PERSON** - Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

(4) **RESIDENCY OR PRACTICE OUTSIDE OF STATE** - Periods of residency or practice as a registered nurse outside of California will not apply to the reduction of this probationary term. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state.

(5) **SUBMIT WRITTEN REPORTS** - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the terms and conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

**PROVIDE DECISION** - Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

(6) **FUNCTION AS A REGISTERED NURSE** - Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order to comply with this condition.

**(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS -**

Respondent shall obtain prior approval from the Board before commencing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to her employer and immediate supervisor prior to commencement of any nursing or other health care related employment.

Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment, when such employment is not as a registered nurse. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated from any registered nursing, other nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination.

**(8) SUPERVISION -** Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing any employment as a registered nurse.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.

(d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by respondent with or without respondent present.

(9) EMPLOYMENT LIMITATIONS - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(10) COMPLETE A NURSING COURSE(S) - Respondent, at her expense, shall enroll and successfully complete any course(s) required by the Board or its designated representatives, which are relevant to the practice of registered nursing, no later than six months prior to the end of his probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of

completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

(12) **VIOLATION OF PROBATION** - If respondent violates the conditions of her probation, the Board after giving respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board. Upon successful completion of probation, respondent's license will be fully restored.

(13) **PHYSICAL EXAMINATION** - Within 45 days of the effective date of this decision, respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of respondent's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Probation Program and respondent by telephone. Respondent shall immediately cease practice and shall not resume practice until notified by the Probation Monitor. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required until the Probation Monitor has notified respondent that a medical determination permits respondent to resume practice.

(14) **PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE** - Respondent, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months. As required, reports shall be submitted by the program on forms provided by the Board. If respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed before probation commence or within the first nine months of probation, the Board shall consider respondent in violation of probation.

Based on Probation Program recommendation, each week respondent shall be required to attend at least one, but no more than five, 12-step recovery meetings or

equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

(15) **ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS** - Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so and are part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing physician or dentist, a report identifying the medication, dosage, the date the medication was prescribed, respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of respondent's history of substance abuse and will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time-limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

(16) **SUBMIT TO TESTS AND SAMPLES** - Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the respondent shall be considered in violation of probation.

In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.



If respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation.

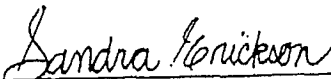
(17) **MENTAL HEALTH EXAMINATION** - The respondent shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by respondent.

If respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Probation Program and respondent by telephone. Respondent shall immediately cease practice and may not resume practice until notified by the Probation Monitor. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required, until the Probation Monitor has notified respondent that a mental health determination permits respondent to resume practice.

(18) **THERAPY OR COUNSELING PROGRAM** - Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

This decision shall become effective on the 26th day of September, 2001.

IT IS SO ORDERED this 27th day of August, 2001.

  
SANDRA ERICKSON, CRNA  
PRESIDENT  
BOARD OF REGISTERED NURSING  
Department of Consumer Affairs  
State of California

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition  
Against:

NO. 96-7

KATHRYN A. WILSON  
8000 Offenhauser, Apt. 11C  
Reno, NV 89511  
License No. 440089

DEFAULT  
DECISION  
AND ORDER

Applicant/Respondent.

Respondent Kathryn A. Wilson, having been served with the Petition and First Amended Petition to Revoke Probation, Statement to Respondent, and Notice of Defense form as provided in sections 11503 and 11505 of the Government Code of the State of California. Respondent duly filed a Notice of Defense within the time allowed by section 11506 of said code. The matter was set for hearing on August 7, 1996, and respondent failed to appear at the hearing. Pursuant to Government Code section 11520, the default of said respondent having been duly noted, the Board of Registered Nursing has determined that respondent has waived her rights to a hearing to contest the merits of said Petition; that respondent is in default, and that this agency will take action on the petition and evidence herein without a hearing, and makes the following findings of fact:

1           1. The Petition and First Amended Petition to Revoke  
2 Probation was made and filed by Ruth Ann Terry, M.P.H., R.N., in  
3 her official capacity as Executive Officer, Board of Registered  
4 Nursing, Department of Consumer Affairs, State of California.

5           2. On April 30, 1989, the Board of Registered Nursing  
6 issued Registered Nurse License Number 440089 to Kathryn Ann  
7 Wilson. On July 31, 1996, the license expired and has not been  
8 renewed.

9           3. On November 25, 1994, the Board of Registered  
10 Nursing revoked respondent's license, then stayed the revocation  
11 and placed respondent on probation for 3 years, under terms and  
12 conditions, in proceeding number 94-41. Condition (2) of the  
13 probation order required respondent to fully comply with the  
14 terms and condition of the probation program established by the  
15 Board and to cooperate with Board representatives in its  
16 monitoring and investigation of her compliance with the probation  
17 program. Condition (3) of the probation order required  
18 respondent to appear in person at interviews/meetings as directed  
19 by the Board, or its designated representatives, during the  
20 period of probation. Condition (5) of the probation order  
21 required respondent to submit completed reports to the Board  
22 verifying quarterly work performance evaluation, physical and  
23 mental health forms, employment verifications, support group  
24 attendance forms and data reports. Condition (12) of the  
25 probation order required respondent to attend two 12-step  
26 meetings per week (AA, NA, ALANON, CODA, etc.) and one nursing  
27 support group meeting throughout the duration of the probationary

1 term and to record documentation of such attendance on Board  
2 approved forms. Condition (13) of the probation order required  
3 respondent to completely abstain from the possession, injection  
4 or consumption of all psychotropic drugs, including alcohol,  
5 unless lawfully prescribed. Condition (14) of the probation  
6 order required respondent to participate in a random, biological  
7 fluid testing or a drug screening program approved by the Board.  
8 In addition, required respondent to fully cooperate with the  
9 Board, or any of its representatives and, when requested, submit  
10 to such tests and samples as the Board, or its representatives,  
11 may require for detection of alcohol, narcotics, hypnotics,  
12 dangerous drugs, or other controlled substances.

13 4. On or about April 13, 1995, respondent consumed  
14 alcoholic beverages.

15 5. Respondent failed to submit to urine screening  
16 within 24 hours from the time you were contacted by a  
17 representative of the Board of Registered Nursing on April 11,  
18 1995 at 5:00 p.m.

19 6. Respondent failed to submit to urine screening  
20 within 24 hours from the time you were contacted by a  
21 representative of the Board of Registered Nursing on April 25,  
22 1995, at 3:00 p.m.

23 7. Respondent failed to submit to the Board  
24 documentation of attendance at two 12-step meetings per week (AA,  
25 NA, ALANON, CODA, etc.) and one nursing support group meeting  
26 throughout the duration of the probationary term required by  
27 Condition (12) of the probation order.

1           8. Respondent failed to appear for a scheduled interim  
2 meeting with Wes Miyamura, Probation Program Monitor, at the  
3 Board of Registered Nursing, 400 R Street, Suite 4030,  
4 Sacramento, California, on June 13, 1995, July 7, 1995, and  
5 October 23, 1995.

6           9. Respondent failed to fully comply with the terms  
7 and condition of the probation program established by the Board  
8 and to cooperate with Board representatives, as set forth in  
9 paragraphs 4, 5, 6, 7 and 8 of the First Amended Petition to  
10 Revoke Probation.

11                           LOCATION OF RECORD

12           The record on which this Default Decision and Order is  
13 based is located at the Sacramento office of the Board of  
14 Registered Nursing.

15                           DETERMINATION OF ISSUES

16           Based on the foregoing findings of fact, grounds exist  
17 to revoke probation in that respondent did not comply with  
18 Conditions 2, 3, 5, 13 and 14 of the probation order.

19                           ORDER

20           WHEREFORE, for the aforesaid causes, the Board of  
21 Registered Nursing makes its order revoking Registered Nurse  
22 License Number 440089, issued to Kathryn A. Wilson.

23           Respondent shall not be deprived of making any further  
24 showing by way of mitigation. However, such showing must be made  
25 to the Board of Registered Nursing, 400 R Street, Suite 4030,  
26 Sacramento, California 95814, prior to the effective date of this  
27 Decision.

1 This decision shall become effective on the 16th day  
2 of January, 1997.

3 Dated and signed this 17th day of December, 1996

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*Genevieve D.R. Deutsch*  
GENEVIEVE D.R. DEUTSCH, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JOEL S. PRIMES, State Bar No. 42568  
Supervising Deputy Attorney General  
3 JUNE LAVERNE LONG, State Bar No. 74716  
Deputy Attorney General  
4 1300 I Street, Suite 1101  
P. O. Box 944255  
5 Sacramento, California 94244-2550  
Telephone: (916) 324-4618  
6  
7 Attorneys for Petitioner

8  
9 BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Petition ) NO. 96-7  
12 Against: ) OAH NO. N9509111  
13 KATHRYN A. WILSON ) FIRST AMENDED  
P. O. Box 385 ) PETITION TO  
14 Blairsden, CA 96103 ) REVOKE PROBATION  
License No. 440089 )  
15 Respondent. )  
16

17 Ruth Ann Terry, R.N., M.P.H., for a first amended  
18 petition to revoke probation, alleges:  
19

20 1. Petitioner Ruth Ann Terry, R.N., M.P.H., makes and  
21 files this petition to revoke probation in her official capacity  
22 as Executive Officer, Board of Registered Nursing, Department of  
23 Consumer Affairs. This first amended petition to revoke  
24 probation hereby supersedes and replaces nunc pro tunc the  
25 petition to revoke probation heretofore filed.  
26

27 2. On April 30, 1989, the Board of Registered Nursing

1 issued Registered Nurse License Number 440089 to Kathryn Ann  
2 Wilson. The license was in full force and effect at all times  
3 pertinent herein and has been renewed through July 31, 1996.  
4

5 3. On November 25, 1994, the Board of Registered  
6 Nursing revoked respondent's license, then stayed the revocation  
7 and placed respondent on probation for 3 years, under terms and  
8 conditions, in proceeding number 94-41. Condition (2) of the  
9 probation order required respondent to fully comply with the  
10 terms and condition of the probation program established by the  
11 Board and to cooperate with Board representatives in its  
12 monitoring and investigation of her compliance with the probation  
13 program. Condition (3) of the probation order required  
14 respondent to appear in person at interviews/meetings as directed  
15 by the Board, or its designated representatives, during the  
16 period of probation. Condition (5) of the probation order  
17 required respondent to submit completed reports to the Board  
18 verifying quarterly work performance evaluation, physical and  
19 mental health forms, employment verifications, support group  
20 attendance forms and data reports. Condition (12) of the  
21 probation order required respondent to attend two 12-step  
22 meetings per week (AA, NA, ALANON, CODA, etc.) and one nursing  
23 support group meeting throughout the duration of the probationary  
24 term and to record documentation of such attendance on Board  
25 approved forms. Condition (13) of the probation order required  
26 respondent to completely abstain from the possession, injection  
27 or consumption of all psychotropic drugs, including alcohol,



1 unless lawfully prescribed. Condition (14) of the probation  
2 order required respondent to participate in a random, biological  
3 fluid testing or a drug screening program approved by the Board.  
4 In addition, required respondent to fully cooperate with the  
5 Board, or any of its representatives and, when requested, submit  
6 to such tests and samples as the Board, or its representatives,  
7 may require for detection of alcohol, narcotics, hypnotics,  
8 dangerous drugs, or other controlled substances.

9  
10 4. Grounds exist to revoke probation in that  
11 respondent did not comply with Condition (13) of the probation  
12 order which required respondent to completely abstain from the  
13 possession, injection or consumption of all psychotropic drugs,  
14 including alcohol, in that on or about April 13, 1995, respondent  
15 consumed alcoholic beverages.

16  
17 5. Grounds exist to revoke probation in that  
18 respondent did not comply with Condition (14) of the probation  
19 order in the following respects:

20 a. Respondent failed to submit to urine screening  
21 within 24 hours from the time you were contacted by a  
22 representative of the Board of Registered Nursing on April 11,  
23 1995 at 5:00 p.m.

24 b. Respondent failed to submit to urine screening  
25 within 24 hours from the time you were contacted by a  
26 representative of the Board of Registered Nursing on April 25,  
27 1995, at 3:00 p.m.

1           6. Grounds exist to revoke probation in that  
2 respondent did not comply with Condition (5) of the probation  
3 order by failing to submit to the Board documentation of  
4 attendance at two 12-step meetings per week (AA, NA, ALANON,  
5 CODA, etc.) and one nursing support group meeting throughout the  
6 duration of the probationary term required by Condition (12) of  
7 the probation order.

8  
9           7. Grounds exist to revoke probation in that  
10 respondent did not comply with Condition (3) of the probation  
11 order by failing to appear for a scheduled interim meeting with  
12 Wes Miyamura, Probation Program Monitor, at the Board of  
13 Registered Nursing, 400 R Street, Suite 4030, Sacramento,  
14 California, on June 13, 1995, July 7, 1995, and October 23, 1995.

15  
16           8. Grounds exist to revoke probation in that  
17 respondent did not comply with Condition (2) of the probation  
18 order required respondent to fully comply with the terms and  
19 condition of the probation program established by the Board and  
20 to cooperate with Board representatives, as set forth in  
21 paragraphs 4, 5, 6 and 7.

22  
23           WHEREFORE, petitioner prays that a hearing be held and  
24 that the Board of Registered Nursing make its order:

25           1. Revoking probation and reimposing the order  
26 revoking Registered Nurse License Number 440089, issued to  
27 Kathryn Ann Wilson.

1 2. Taking such other and further action as may be  
2 deemed proper and appropriate.

3 DATED: July 11, 1996  
4

5 Ruth Ann Terry  
6 RUTH ANN TERRY, R.N., M.P.H.  
7 Executive Officer  
8 Board of Registered Nursing  
9 Department of Consumer Affairs  
10 State of California

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Petitioner

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6-27-96(jr)

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JOEL S. PRIMES, State Bar No. 42568  
Supervising Deputy Attorney General  
3 JUNE LAVERNE LONG, State Bar No. 74716  
Deputy Attorney General  
4 1300 I Street, Suite 1101  
P. O. Box 944255  
5 Sacramento, California 94244-2550  
Telephone: (916) 324-4618

6 Attorneys for Petitioner

8  
9 BEFORE THE  
10 BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Petition  
12 Against:

13 KATHRYN A. WILSON  
P. O. Box 385  
14 Blairsdon, CA 96103  
License No. 440089

15 Respondent.  
16

NO. 96.7

PETITION TO  
REVOKE PROBATION

17 Ruth Ann Terry, R.N., M.P.H., alleges:  
18

19 1. Petitioner Ruth Ann Terry, R.N., M.P.H., makes and  
20 files this petition to revoke probation in her official capacity  
21 as Executive Officer, Board of Registered Nursing, Department of  
22 Consumer Affairs.  
23

24 2. On April 30, 1989, the Board of Registered Nursing  
25 issued Registered Nurse License Number 440089 to Kathryn Ann  
26 Wilson. The license was in full force and effect at all times  
27 pertinent herein and has been renewed through July 31, 1996.

1           3. On November 25, 1994, the Board of Registered  
2 Nursing revoked respondent's license, then stayed the revocation  
3 and placed respondent on probation for 3 years, under terms and  
4 conditions, in proceeding number 94-41. Condition (2) of the  
5 probation order required respondent to fully comply with the  
6 terms and condition of the probation program established by the  
7 Board and to cooperate with Board representatives in its  
8 monitoring and investigation of her compliance with the probation  
9 program. Condition (13) of the probation order required  
10 respondent to completely abstain from the possession, injection  
11 or consumption of all psychotropic drugs, including alcohol,  
12 unless lawfully prescribed.

13

14           4. Grounds exist to revoke probation in that  
15 respondent did not comply with Condition (13) of the probation  
16 order which required respondent to completely abstain from the  
17 possession, injection or consumption of all psychotropic drugs,  
18 including alcohol, in that on or about April 13, 1995, respondent  
19 consumed alcoholic beverages.

20

21           5. Grounds exist to revoke probation in that  
22 respondent did not comply with Condition (2) of the probation  
23 order required respondent to fully comply with the terms and  
24 condition of the probation program established by the Board and  
25 to cooperate with Board representatives, as set forth in  
26 paragraph 4.

27 ///

1           WHEREFORE, petitioner prays that a hearing be held and  
2 that the Board of Registered Nursing make its order:

3           1. Revoking probation and reimposing the order  
4 revoking Registered Nurse License Number 440089, issued to  
5 Kathryn Ann Wilson.

6           2. Taking such other and further action as may be  
7 deemed proper and appropriate.

8 DATED: 7.18.95

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RUTH ANN TERRY, R.N., M.P.H.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Petitioner

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SA95AD0879  
6-28-95(jr)

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the First  
Amended Accusation Against:

KATHRYN ANN WILSON

Registered Nurse License  
No. T 440089

Respondent.

No. 94-41

OAH No. N-9401053

DECISION

The attached Proposed Decision of the Administrative Law  
Judge is hereby adopted by the Board of Registered Nursing as its  
Decision in the above-entitled matter.

This Decision shall become effective on November 25, 1994.

IT IS SO ORDERED October 25, 1994.

/s/ Harriett W. Clark, Esq.  
President

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the First  
Amended Accusation Against:

KATHRYN ANN WILSON

Registered Nurse License  
No. T 440089

Respondent.

No. 94-41

OAH No. N-9401053

PROPOSED DECISION

On June 30, 1994, in Sacramento, California, M. Amanda Behe, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Luanna Martilla, Deputy Attorney General, represented the Board of Registered Nursing.

Respondent appeared in propria persona.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

Ruth Ann Terry, R.N., M.P.H., is the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs (hereinafter "the Board"), and made and filed the Accusation and First Amended Accusation in her official capacity.



## II

On April 30, 1989, the Board issued registered nurse license number T 440089 to Kathryn Ann Wilson (hereinafter "respondent"). The license was in full force and effect at all times relevant to the charges in the Accusation and First Amended Accusation and has been renewed through July 31, 1994.

## III

"Cocaine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(6).

## IV

On October 1, 1990, the Nevada State Board of Nursing (hereinafter "the Nevada Board") and respondent entered into a stipulation entitled "Voluntary Surrender of License in Lieu of Disciplinary Action". That document included stipulated facts and terms and conditions. Respondent acknowledged that on January 14, 1990, while on duty as a nurse at St. Mary's Medical Center in Reno, Nevada, and on January 21, 1990, while on duty as a nurse at Truckee Meadows Hospital in Reno, Nevada, respondent used alcoholic beverages to such an extent that her ability to conduct her nursing duties with safety to the public was impaired.

Respondent was required by the stipulation to conform to various terms and conditions including that she abstain from the use of alcohol and unauthorized drugs, and submit urine samples when ordered. Respondent submitted a urine sample which tested positive for cocaine on September 3, 1991; she asserts that she did not ingest cocaine and has no explanation for the test results. Respondent failed to submit samples on July 1, 1991, and October 29, 1991; she was out of town looking for employment and attending a wedding on those two dates.

Because respondent failed to make acceptable progress in recovery by failing to comply with all of the terms of the stipulation, on March 2, 1992, the Nevada Board revoked her license.

Respondent's Nevada license was reinstated by the Nevada Board in March 1993, on various terms and conditions including that she continue her participation in Alcoholics Anonymous and a nurse support group, provide reports on a regular basis, provide fluids samples as directed, etc. She is employed by Joseph Evans, M.D., who specializes in occupational health.

V

Respondent testified that after her treatment at Feather River Hospital in Paradise, California, she returned to Nevada. In November 1990, after checking with Margaret Saito of the California Board that her license would permit such employment, respondent commenced employment with Sierra Nevada Memorial Hospital in Grass Valley. She commuted from Reno, and worked three twelve-hour shifts per week. From November 1990 to December 1992 respondent successfully participated in the Board's Diversion Program conducted by Occupational Health Services Corporation.

In December 1992, respondent notified the Board that for economic reasons she no longer work in California. Respondent is employed by Joseph Evans, M.D., who specializes in occupational health.

Respondent is interested in returning to work in a hospital setting, preferably in telemetry, in the Truckee or Grayeagle area.

VI

Respondent testified that her sobriety date is June 18, 1990, when she entered treatment at Feather River Hospital in Paradise, California. After that program she returned to Nevada and participated in Aftercare and a nurse support group. She participated in the California Board's Diversion Program as noted above.

Since her return to Nevada respondent has regularly attended at least three Alcoholics Anonymous meetings per week. She has had two sponsors; her current sponsor has served in that capacity for approximately two years. Respondent is herself a sponsor in her home group, Driars Club in Reno. She testified that she is now "re-doing the Fourth Step", a personal inventory, in the interests of her sobriety. She attends an Aftercare Program weekly at the St. Mary's Regional Medical Center in Reno, California.

The letters of those organizations and character references submitted by respondent are considered in the Order hereinbelow. Respondent's employer since November 1992, Joseph E. Evans, M.D., noted in his letter that she has had only one unplanned absence in that time when other employees were having gastroenteritis. Pursuant to his agreement with respondent she had a nine-panel urine drug and alcohol screen when she returned to work the following day; the results were negative. Dr. Evans noted that respondent has been conscientious in her treatment program and meetings.

## DETERMINATION OF ISSUES

### I

Clear and convincing evidence to a reasonable certainty establishes cause for discipline of respondent's license for violation of Business and Professions Code section 2761(k).

Shoenhair v. Commonwealth of Pennsylvania, et. al., (1983) 459 A.2d 877, supports the contention that the California Board may properly rely on the fact of an out-of-state revocation of respondent's license as a basis for discipline in California. In Shoenhair the court upheld the revocation of a nurse's license by the Pennsylvania State Board of Nurse Examiners (hereinafter "the Pennsylvania Board") pursuant to Section 12(6) of the Pennsylvania Professional Nursing Law which provides that the Pennsylvania Board may suspend or revoke any license where "The licensee has his license suspended or revoked in another state, territory or country." The nurse's license had previously been revoked by the Florida Board of Nursing. The nurse argued that the Florida proceeding violated her due process rights and that the decision of the Pennsylvania Board revoking her license based upon the faulty Florida proceeding violated due process and was unconstitutional. The court refused to permit a collateral attack upon the validity of the Florida proceeding as a basis for overturning the revocation by the Pennsylvania Board, noting that "since the Pennsylvania Board was acting on the fact of disciplinary action in another state rather than the underlying events leading to that action, the substance of the charges and the procedure utilized in their resolution must ... be considered immaterial." 459 A.2d at 879, quoting from Johnson v. State Board of Medical Education and Licensure (1980) 410 A.2d 103, at 106 (emphasis in original).

The court further found that a certified copy of the Florida Board's judgment revoking the nurse's license was sufficient evidence to prove a violation of the Pennsylvania statute cited above.

### II

Clear and convincing evidence to a reasonable certainty establishes cause for discipline of respondent's license for violation of Business and Professions Code sections 2761(a) and 2762(a) and (b).

ORDER

The license issued to respondent Kathryn Ann Wilson is revoked. However, the revocation is stayed and respondent is placed on probation for three years on the following terms and conditions:

1. Respondent shall obey all federal, state and local laws, and all rules, and regulations of the Board of Registered Nursing governing the practice of nursing in California. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence.
2. Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Program.
3. Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.
4. Periods of residency or practice outside of California will not apply to the reduction of this probationary term. The respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state.
5. Respondent, during the period of probation, shall submit such written reports/declarations and verification of actions under penalty of perjury as are required. These declarations shall contain statements relative to respondent's compliance with all the terms and conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.
6. Respondent, during the period of probation, shall engage in the practice of professional nursing in California for a minimum of 24 hours per week (or as determined by the Board) for 6 consecutive months. Per section 2732 of the Business and Professions Code, no person shall engage in the practice of registered nursing without holding a license which is in an active status.

7. The Board shall be informed of and approve of each agency for which the respondent provides nursing services prior to respondent's commencement of work. The respondent shall inform respondent's employer of the reason for and the terms and conditions of probation and shall provide a copy of the Board's decision and order to respondent's employer and immediate supervisor. The employer shall submit performance evaluations and other reports as requested by the Board. Respondent is also required to notify the Board in writing within seventy-two (72) hours after termination of any nursing employment. Any notification of termination shall contain a full explanation of the circumstances surrounding it.
8. The Board shall be informed of and approve of the level of supervision provided to the respondent while respondent is functioning as a registered nurse. The appropriate level of supervision must be approved by the Board prior to commencement of work. Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing.
9. Respondent may not work for a nurse registry; temporary nurse agency; home care agency; in-house nursing pool; as a nursing supervisor; as a faculty member in an approved school of nursing; or as an instructor in a Board approved continuing education program. Respondent must work only on regularly assigned, identified and predetermined worksite(s) with appropriate supervision as approved by the Board.
10. If a respondent violates the conditions of respondent's probation, the Board, after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the discipline revocation of respondent's license.
11. If during the period of probation, an accusation has been filed against respondent's license or the Attorney General's office has been requested to prepare an accusation against respondent's license, the probation period shall automatically be extended and shall not expire until the accusation has been acted upon by the Board. Upon successful completion of probation, the respondent's license will be fully restored.

12. Respondent must attend two 12-step recovery meetings per week (e.g., Narcotics Anonymous, Alcoholic Anonymous, etc.) and a nurse support group as directed by the Board. If a nurse support group is not available, an additional 12-step meeting must be added. Respondent must submit dated and signed documentation confirming such attendance to the Board during the entire period of probation.

13. Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are lawfully prescribed by a licensed physician or dentist as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing physician or dentist, a report identifying the medication, dosage, the date the medication was prescribed, the respondent's prognosis, and the date the medication will no longer be required.

14. Respondent, at respondent's expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The respondent is responsible for ensuring that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the respondent will be considered in violation of probation.

In addition, respondent, at any time during the period of probation shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

15. The respondent shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine respondent's capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written

report of that assessment and recommendations to the Board. All costs are the responsibility of the respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by the respondent.

Dated: August 3, 1997

M. Amanda Behe  
M. AMANDA BEHE  
Administrative Law Judge  
Office of Administrative Hearings

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JOEL S. PRIMES  
Supervising Deputy Attorney General  
3 LUANA MARTILLA  
1515 K Street, Suite 511  
4 P. O. Box 944255  
Sacramento, California 94244-2550  
5 Telephone: (916) 324-5341  
6 Attorneys for Complainant  
7  
8  
9

10 BEFORE THE  
11 BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
12 STATE OF CALIFORNIA  
13

14 In the Matter of the Accusation )  
Against: )

NO. 94-41

15 KATHRYN ANN WILSON )  
5081 Wilderness Way, #23M )  
16 Paradise, CA 95969 )  
Registered Nurse License )  
17 No. T 440089 )

FIRST AMENDED  
ACCUSATION

18 Respondent.  
19

20 Ruth Ann Terry, R.N., M.P.H., for a first amended  
21 accusation alleges:  
22

23 1. Complainant Ruth Ann Terry, R.N., M.P.H. makes and  
24 files this first amended accusation in her official capacity as  
25 Executive Officer, Board of Registered Nursing, Department of  
26 Consumer Affairs. This first amended accusation supersedes and  
27 replaces nunc pro tunc the accusation heretofore filed.



1           2. On April 30, 1989, the Board of Registered Nursing  
2 issued registered nurse license number T 440089 to Kathryn Ann  
3 Wilson. The license was in full force and effect at all times  
4 pertinent herein and has been renewed through July 31, 1994.  
5

6           3. Under Business and Professions Code section 2750,  
7 the Board of Registered Nursing may discipline any licensee,  
8 including a licensee holding a temporary or an inactive license,  
9 for any reason provided in Article 3 of the Nursing Practice Act.  
10

11           4. DRUGS

12           "Cocaine" is a Schedule II controlled substance as  
13 designated by Health and Safety Code section 11055(b)(6).  
14

15           5. On October 1, 1990, the Nevada State Board of  
16 Nursing entered into a stipulation of the facts and accepted the  
17 "Voluntary Surrender of License in Lieu of Disciplinary Action"  
18 of respondent's registered professional nurse license with terms  
19 and conditions pursuant to a Consent Order. The action taken by  
20 the Nevada State Board of Nursing was based on respondent's  
21 admission that on or about January 14, 1990, while on duty as a  
22 nurse at St. Mary's Medical Center in Reno, Nevada, and on or  
23 about January 21, 1990, while on duty as a nurse at Truckee  
24 Meadows Hospital in Truckee, California, respondent used  
25 alcoholic beverages to such an extent that such use impaired her  
26 ability to conduct with safety to the public her nursing duties.

27       ///

1           On March 2, 1992, the Nevada State Board of Nursing  
2       revoked respondent's registered professional nurse license for  
3       failing to comply with the terms and conditions of the October,  
4       1990, Consent Order in the following respects: (1) Practicing  
5       nursing in California in November, 1990, through in or about the  
6       present; (2) practicing nursing while impaired by alcohol in  
7       October, 1990; (3) testing positive for Cocaine after submitting  
8       a urine sample in September 3, 1991; (4) failing to submit urine  
9       samples in October, 1990, and July, 1991, when requested; and (5)  
10      failing to attend weekly meetings of a Board-approved nurse  
11      support group.

12  
13           6. Respondent has subjected her license to discipline  
14      under Business and Professions Code section 2761(k) in that on or  
15      about March 2, 1992, the Nevada State Board of Nursing revoked  
16      respondent's registered professional nurse license for the  
17      reasons set forth in paragraph 5 above. This conduct would  
18      constitute grounds for discipline in California under Business  
19      and Professions Code section 2761(a) (unprofessional conduct) in  
20      conjunction with section 2762(a) (obtain, possess and self-  
21      administer a controlled substance) and 2761(a) (unprofessional  
22      conduct) in conjunction with section 2762(b) (used alcohol in a  
23      manner dangerous to herself and others).

24  
25           WHEREFORE, complainant prays that a hearing be held and  
26      that the Board of Registered Nursing make its order:

27      ///

1 1. Revoking or suspending registered nurse license  
2 number T 440089, issued to Kathryn Ann Wilson.

3 2. Taking such other and further action as may be  
4 deemed proper and appropriate.

5  
6 DATED: 11-15-93

7  
8  
9  
10  
11 /s/  
12 RUTH ANN TERRY, R.N., M.P.H.  
13 Executive Officer  
14 Board of Registered Nursing  
15 Department of Consumer Affairs  
16 State of California

17  
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24  
25  
26  
27 Complainant

03579110-  
SA93AD1077

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JOEL S. PRIMES  
Supervising Deputy Attorney General  
3 LUANA MARTILLA  
1515 K Street, Suite 511  
4 P. O. Box 944255  
Sacramento, California 94244-2550  
5 Telephone: (916) 324-5341  
6 Attorneys for Complainant  
7  
8  
9

10 BEFORE THE  
11 BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
12 STATE OF CALIFORNIA

13 In the Matter of the Accusation )  
14 Against: )

NO. 94-41

15 KATHRYN ANN WILSON )  
5081 Wilderness Way, #23M )  
16 Paradise, CA 95969 )  
Registered Nurse License )  
17 No. T 440089 )

ACCUSATION

18 Respondent. )  
19

20 Catherine M. Puri, R.N., Ph.D., for causes for  
21 discipline, alleges:  
22

23 1. Complainant Catherine M. Puri, R.N., Ph.D., makes  
24 and files this accusation in her official capacity as Executive  
25 Officer, Board of Registered Nursing, Department of Consumer  
26 Affairs.

27 ///

1           2. On April 30, 1989, the Board of Registered Nursing  
2 issued registered nurse license number T 440089 to Kathryn Ann  
3 Wilson. The license was in full force and effect at all times  
4 pertinent herein and has been renewed through July 31, 1994.

5  
6           3. Under Business and Professions Code section 2750,  
7 the Board of Registered Nursing may discipline any licensee,  
8 including a licensee holding a temporary or an inactive license,  
9 for any reason provided in Article 3 of the Nursing Practice Act.

10  
11           4. Respondent has subjected her license to discipline  
12 under Business and Professions Code section 2761(k) in that on or  
13 about March 2, 1992, pursuant to a Consent Order, the Nevada  
14 State Board of Nursing ordered that respondent's license to  
15 practice as a nurse in the State of Nevada be revoked. This  
16 action was taken after respondent failed to comply with the terms  
17 and conditions of a previous consent decree between the parties  
18 on or about October 1, 1990, providing for respondent's  
19 "Voluntary Surrender of License In Lieu of Disciplinary Action."

20           The action by the Nevada State Board of Nursing was  
21 based on respondent's admission that on or about January 21,  
22 1990, while on duty as a nurse at St. Mary's Medical Center in  
23 Reno, Nevada, and on January 21, 1990, while on duty as a nurse  
24 at Truckee Meadows Hospital in Truckee, California, and at other  
25 unknown times, respondent used alcoholic beverages to such an  
26 extent that such use impaired her ability to conduct with safety  
27 to the public her nursing duties. Such conduct would have

1 subjected her license to discipline in the State of California  
2 under Business and Professions Code section 2761(a) on the  
3 grounds of unprofessional conduct, as defined by Business and  
4 Professions Code section 2761(b).  
5

6 WHEREFORE, complainant prays that a hearing be held and  
7 that the Board of Registered Nursing make its order:

8 1. Revoking or suspending registered nurse license  
9 number T 440089, issued to Kathryn Ann Wilson.

10 2. Taking such other and further action as may be  
11 deemed proper and appropriate.  
12

13 DATED: 8/18/93  
14

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Catherine M. Puri  
CATHERINE M. PURI, R.N., Ph.D.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Complainant

03579110-  
SA93AD1077.